



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
WASHINGTON, D.C. 20460

APR 12 1996

OFFICE OF  
SOLID WASTE AND EMERGENCY  
RESPONSE

MEMORANDUM

SUBJECT: Regulatory Status of Waste Streams from Dow Midland  
Ludington Kiln Operations

FROM: Richard Kinch, Chief *S. Hoffman for*  
Industrial and Extractive Waste Branch

TO: Gary S. Tuma  
Waste Management Division  
Michigan Department of Environmental Quality

On February 27, 1996 Mr. Gary Tuma, Michigan Department of Environmental Quality, wrote to Stephen Hoffman, Office of Solid Waste, US EPA, requesting clarification of the Bevill status of spent kiln brick at the Dow Chemical Company's facility in Ludington, Michigan.

The material supplied to EPA in the state's letter of February 27, 1996, indicates that Dow is operating three lime kilns at the Ludington site. Dow has submitted information to the State indicating their belief that the spent furnace brick is exempt from RCRA Subtitle C regulation by the Bevill exclusion.

EPA has reviewed the data and finds that the spent furnace bricks generated by Dow are not uniquely associated with mining or mineral processing. The concept of "uniquely associated" has been used consistently by the Agency as a factor in determining which wastes would remain under the Bevill Amendment. (See 45 FR 76619, November 19, 1980 and 54 FR 36616, September 1, 1989.) The Bevill exclusion does not apply to solid wastes resulting from normal maintenance practices; they are not uniquely associated with mineral extraction, beneficiation, or processing. Maintenance wastes include wastes such as spent furnace bricks.

Dow indicated that the bricks are undergoing chemical changes and are therefore uniquely associated with a beneficiation operation. However, the Agency has consistently limited the Bevill exclusion to those waste streams that directly result from beneficiating an ore or mineral. At Ludington, the mineral being produced is lime, not furnace brick. The bricks are not being beneficiated or processed to produce an ore or

mineral; rather, these bricks are simply being used as a manufactured insulation material in a kiln. Furthermore, the chromium which causes the bricks to be hazardous is inherent to the bricks, and is not a result of beneficiation.

The Agency does not have enough information to determine at this time whether the calcining operation at Ludington are indeed part of beneficiation or mineral processing. For purposes of this determination, this latter determination need not be made because the brick in question are not uniquely associated with beneficiation or mineral processing.

cc: Region 5 OGC